

REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

August 16, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, August 16, 2004, at 2:00 p. m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by Council on Tuesday, July 6, 2004, which established the meeting schedule for the fiscal year commencing July 1, 2004, and ending June 30, 2005.

PRESENT: Council Members Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Mayor C. Nelson Harris-----6.

ABSENT: Council Member Sherman P. Lea-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Ann H. Shawver, Deputy Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by The Reverend David Walton, Pastor, Belmont Presbyterian Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

PROCLAMATIONS: The Mayor presented a proclamation to Mr. Brian Wilson declaring Friday, August 27, 2004, as Hokie Pride Day.

ACTS OF ACKNOWLEDGEMENT-DOWNTOWN ROANOKE, INCORPORATED: David Diaz, Executive Director, Downtown Roanoke, Inc., and Mike Dittrich, Board Chair, Downtown Roanoke, Inc., advised that the Golden Trowel Award was presented to the City of Roanoke at the Annual Meeting of Downtown Roanoke, Inc., on August 10, 2004, as owner of a warehouse building that was converted into office space through a partnership with Carilion Health System and the Roanoke Valley Development Corporation, as an initiative to locate more businesses in the downtown Roanoke area.

He stated that the Golden Trowel Award has been presented by Downtown Roanoke, Inc., for the past 37 years in recognition of those persons and organizations that have made outstanding improvements to buildings in the downtown area.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to seven requests for Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Monday, June 21, 2004, were before the body.

Mr. Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

PURCHASE/SALE OF PROPERTY–CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2–3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

PURCHASE/SALE OF PROPERTY–CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2–3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

PURCHASE/SALE OF PROPERTY–CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2–3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from Council Member Brian J. Wishneff requesting that Council convene in a Closed Meeting to discuss acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of Council Member Wishneff to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

COMMITTEES-COMMUNITY PLANNING-TOWING ADVISORY BOARD: A report of the City Clerk advising of the qualification of the following persons, was before Council.

William F. Clark as a member of the Towing Advisory Board, for a term ending June 30, 2007; and

M. Rupert Cutler as a member of the Roanoke Valley Area Metropolitan Planning Organization, to fill the unexpired term of former Council Member William D. Bestpitch, ending June 30, 2005.

Mr. Fitzpatrick moved that the report of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, and Mayor Harris-----6.

NAYS: NONE-----0.

(Council Member Lea was absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

COMMONWEALTH'S ATTORNEY: Donald S. Caldwell, Commonwealth's Attorney, advised that the Commonwealth Attorney's Office administers a cost collection function which is geared toward collecting delinquent fines and costs owed to the Commonwealth of Virginia and to the City of Roanoke. He stated that a vast majority of persons who come through the court system pay their fines and court costs; however, approximately ten per cent do not which is the ten per cent that the Cost Collection Unit was designed to address. He advised that the program is now in its 11th year of formal cost collection, over \$600,000.00 was collected this year in unpaid fines and costs, approximately \$75,000.00 will be returned to the City of Roanoke, and the program, which is entirely self-sufficient, pays for itself.

(See Annual Report on file in the City Clerk's Office.)

BUDGET-COMMONWEALTH'S ATTORNEY-GRANTS: A communication from Donald S. Caldwell, Commonwealth's Attorney, advising that Federal funding was made available to the Commonwealth of Virginia to be used for development of several Multi-Jurisdictional Special Drug Prosecutors statewide; the positions were developed to coordinate prosecutorial efforts among independent jurisdictions, reduce fractional and duplicate prosecutions, enhance recovery of criminal assets, utilize Federal, State and local resources to assure maximum prosecutorial effectiveness and to provide specialized prosecutorial resources to the regional drug enforcement effort; the Commonwealth's Attorneys of the Counties of Craig, Franklin, and Roanoke, and the Cities of Roanoke and Salem applied on October 9, 1987, to the Commonwealth's Attorneys' Services Council, the State agency responsible for administration of the grant money to fund the Multi-Jurisdictional Special Drug Prosecutor position; Council accepted the Multi-Jurisdictional Special Drug Prosecutor Grant in April, 1988, and a full-time Special Drug Prosecutor was hired in July, 1988; and annual re-application for funding is required.

It was further advised that on April 15, 1994, funding for the Drug Prosecutor's Office was transferred from the Commonwealth's Attorneys' Services Council to the Compensation Board; the Compensation Board approved funding for the Drug Prosecutor, in the amount of \$87,917.00 on June 17, 2004, and funding will continue through June 30, 2005; the local match is \$24,920.00, for a total of \$112,847.00; and funding for the local share is available in General Fund-Transfer to Grant Fund, Account No. 001-250-9310-9535.

The Commonwealth's Attorney recommended that Council accept funding from the Compensation Board, in the amount of \$87,917.00, with the City providing a local match of \$24,930.00; authorize the City Manager to execute the necessary documents to obtain funding from the Compensation Board; appropriate \$87,917.00 in State grant funds and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund; and transfer \$24,930.00 from the General Fund Transfer to Grant Fund, Account No. 001-250-9310-9535, to the above referenced Grant Fund account.

A communication from the City Manager recommending that Council concur in the request of the Commonwealth's Attorney, and authorize the City Manager to execute the necessary documents to obtain funding from the Compensation Board, was also before the body.

Mr. Dowe offered the following budget ordinance:

(#36804-081604) AN ORDINANCE to appropriate funding for the Regional Drug Prosecutor Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 59.)

Mr. Dowe moved the adoption of Ordinance No. 36804-081604. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

Mr. Fitzpatrick offered the following resolution:

(#36805-081604) A RESOLUTION authorizing the acceptance of funding for the regional drug prosecutor's office from the Compensation Board of the Commonwealth of Virginia and authorizing the acceptance, execution and filing of appropriate documents to obtain such funds.

(For full text of Resolution, see Resolution Book No. 69, Page 60.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36805-081604. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

BUDGET-COMMONWEALTH'S ATTORNEY: A communication from Donald S. Caldwell, Commonwealth's Attorney, advising that in an effort to better fund law enforcement efforts to fight crime, particularly drug crime, in 1986, the Federal government adopted a system of asset forfeiture whereby forfeited assets, under certain conditions, could be returned to local law enforcement agencies, police and prosecutors, for use in their fight against crime; in July, 1991, the Virginia asset forfeiture statute, which generally is patterned after the Federal statute, took effect providing that forfeited criminal assets may be returned to local police and prosecutors for use in the fight against crime; periodically, assets seized as evidence are ordered forfeited by the local courts to the police or the Office of the Commonwealth's Attorney to be used for criminal law enforcement efforts; and in August, 1991, a grant fund account for cash assets forfeited to the Commonwealth's Attorney was established, with an appropriation of \$25,000.00.

The City Manager further advised that since August, 1991, the Office of the Commonwealth's Attorney has expanded the \$25,000.00 originally appropriated, and periodically receives additional funds from the State's asset sharing program; grant requirements include that funds be placed in an interest bearing account and interest earned to be used in accordance with program guidelines; revenues collected through June 30, 2004, for the grant are \$188,255.00; and interest collected through June 30, 2004, is \$16,987.00; funding in excess of the revenue estimate totals \$20,001.00, and needs to be appropriated; and funds must be appropriated before they can be expended for law enforcement.

The Commonwealth's Attorney recommended that Council adopt a budget ordinance to increase the revenue estimates for Forfeited Criminal Assets, Account No. 035-150-5140-7107, and Federal Criminal Assets Interest, Account No. 035-150-5140-7275, in the amounts of \$19,112.00 and \$889.00 respectively, and appropriate funding to Forfeited Criminal Assets, Account No. 035-150-5140 in the Grant Fund.

A communication from the City Manager recommending that Council concur in the request of the Commonwealth's Attorney, was also before the body.

Mr. Dowe offered the following budget ordinance:

(#36806-081604) AN ORDINANCE to appropriate funds for Forfeited Criminal Assets, amending and reordering certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 61.)

Mr. Dowe moved the adoption of Ordinance No. 36806-081604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: See pages 186 and 189.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-STREETS AND ALLEYS-TRAFFIC: The City Manager submitted a communication advising that the City intends to make improvements at the intersection of Dale Avenue and Vernon Street to address traffic concerns; businesses, whose employees stand to benefit from a new traffic signal, have contributed funds toward construction cost of the project; Parts Depot and its landlord have jointly contributed \$50,000.00 and Hooker Furniture has contributed \$30,000.00, and funds have been recorded as revenues in the Capital Projects Fund; the City is preparing to enter into a contract for signal installation and the above referenced funds will be needed to accomplish the work; and additional funds already in the Capital Projects Fund budget will be added to the amount to fulfill the total project cost of approximately \$93,000.00.

The City Manager recommended that Council appropriate \$80,000.00 to an account to be established by the Director of Finance in the Capital Projects Fund entitled, "Dale Avenue and Vernon Street Intersection Improvements"; establish revenue estimates for those amounts received from third parties as above described; and transfer \$13,000.00 from Traffic Signals, Account No. 088-530-9812-9001, to a new account.

Mr. Fitzpatrick offered the following ordinance:

(#36807-081604) AN ORDINANCE to appropriate funding from third parties for the Dale Avenue and Vernon Street Intersection Improvements Project, amending and reordaining certain sections of the 2004-2005 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 62.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36807-081604. The motion was seconded by Mr. Dowe.

The City Manager advised that this represents an excellent example of City staff working with private businesses to improve an intersection; the City is pleased to be a partner in the venture, and the majority of funding will come from two private businesses whose employees and vendors will benefit, as well as the general community.

Ordinance No. 36807-081604 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that under an agreement, effective July 1, 2002, the Roanoke Redevelopment and Housing Authority (RRHA) has been one of two lead housing agencies for the *Southeast By Design* project; the RRHA is continuing to conduct homeowner rehabilitation activities under the agreement, which is scheduled to end on December 31, 2004; the 2004-2005 Consolidated Plan Annual Update approved by Council on May 13, 2004, set aside up to \$260,000.00 in Community Development Block Grant (CDBG) funds to assist the RRHA and Blue Ridge Housing Development Corporation (BRHDC), the other lead housing agency, with its project-related overhead costs for the period from July 1 through December 31, 2004; Council appropriated the necessary funding on June 21, 2004, pursuant to Ordinance No. 36719-062104; and of the funds set aside, the RRHA has requested \$69,236.00 for its estimated overhead costs for the six-month period.

It was further advised that Section 2-124 of the Code of the City of Roanoke (1979) as amended, authorizes the City Manager to directly execute amendments of up to \$25,000.00 to Federally assisted subgrant agreements;

in order for the RRHA to access additional funding for overhead costs, approval by Council is needed to amend the current agreement; currently, the RRHA agreement includes a total of \$1,471,162.00 in CDBG and HOME investment Partnership Program (HOME) funds for Southeast project activities; and when amended, CDBG and HOME funding will total \$1,540,398.00.

The City Manager called attention to a separate report addressing project-related overhead costs for BRHDC for the six-month period; taking BRHDC's estimated overhead request into account, it is expected that a balance of approximately \$78,000.00 will remain of the \$260,000.00 set aside, which may be required for overhead costs related to RRHA and BRHDC housing activities to be undertaken in Gainsboro, the next neighborhood in which agency efforts will be concentrated; and any balance remaining thereafter will become available for other eligible uses.

The City Manager recommended that she be authorized to execute Amendment No. 2 to the 2002-2003 CDBG/HOME Agreement with the RRHA, to be approved as to form by the City Attorney.

Mr. Fitzpatrick offered the following resolution:

(#36808-081604) A RESOLUTION authorizing the appropriate City officials to execute Amendment No. 2 to the Agreement dated July 1, 2002, with the Roanoke Redevelopment and Housing Authority to conduct activities using Community Development Block Grant and HOME Investment Partnerships Program funds, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 69, Page 63.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36808-081604. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that pursuant to an agreement effective July 1, 2002, the Blue Ridge Housing Development Corporation (BRHDC) has been one of two lead housing agencies for the *Southeast By Design* project; the BRHDC is continuing to conduct homeowner rehabilitation activities under the agreement, which is scheduled to end on December 31, 2004; the 2004-2005 Consolidated Plan Annual Update approved by Council on May 13, 2004,

set aside up to \$260,000.00 in Community Development Block Grant (CDBG) funds to assist BRHDC and the Roanoke Redevelopment and Housing Authority (RRHA), the other lead housing agency, with project-related overhead costs for the period from July 1 through December 31, 2004; Council appropriated the necessary funds on June 21, 2004, pursuant to Ordinance No. 36719-062104; and of funds set aside, the BRHDC has requested \$112,722.00 for estimated overhead costs for the six-month period.

It was further advised that Section 2-124 of the Code of the City of Roanoke (1979) as amended, authorizes the City Manager to directly execute amendments of up to \$25,000.00 to Federally assisted subgrant agreements; in order for the BRHDC to access additional funding for overhead costs, approval is needed by Council to amend the current agreement; currently, the BRHDC agreement includes a total of \$1,300,697.00 in CDBG and HOME investment Partnership Program (HOME) funds for Southeast project activities; and when amended, CDBG and HOME funding will total \$1,413,419.00.

The City Manager called attention to a separate report addressing project-related overhead costs for the Roanoke Redevelopment and Housing Authority (RRHA) for the six-month period; taking RRHA's estimated overhead request into account, it is expected that a balance of approximately \$78,000.00 will remain of the \$260,000.00 set aside, which may be required for overhead costs related to RRHA and BRHDC housing activities to be undertaken in Gainsboro, the next neighborhood in which agency efforts will be concentrated; and any balance remaining will become available for other eligible uses.

The City Manager recommended that she be authorized to execute Amendment No. 2 to the 2002-2003 CDBG/HOME Agreement with the BRHDC, to be approved as to form by the City Attorney.

Mr. Cutler offered the following resolution:

(#36809-081604) A RESOLUTION authorizing the appropriate City officials to enter into Amendment No. 2 to the 2002-2003 Community Development Block Grant Program/HOME Agreement with the Blue Ridge Housing Development Corporation to provide for increased funding for project-related overhead costs for the period from July 1 through December 31, 2004, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 69, Page 64.)

Mr. Cutler moved the adoption of Resolution No. 36809-081604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

COMMUNITY PLANNING-GRANTS-TOTAL ACTION AGAINST POVERTY: The City Manager submitted a communication advising that Business Seed Capital, Inc. (BSCI), originated in 1994 as the TAP Business Seed Loan Program, and was incorporated as a separate non-profit organization in 2002; since its origin with TAP ten years ago, BSCI has assisted over 1,200 persons with business development training, over 550 persons with one-on-one counseling, over 50 new businesses with loans totaling \$534,400.00, and over 220 persons with starting or strengthening a business; on May 13, 2004, Council authorized BSCI's Micro-Loan Program, pursuant to Resolution No. 36695-051204, which approved the City's 2004-2005 Annual Update to the Consolidated Plan for submission to the U. S. Department of Housing and Urban Development; Council accepted 2004-2005 CDBG funds on June 21, 2004, pursuant to Ordinance No. 36719-062104 and Resolution No. 36720-062104, pending receipt of an approval letter from HUD; and the approval letter will be issued when Congress completes its routine release process, which is now underway.

It was further advised that in order that BSCI may conduct its approved 2004-2005 Micro-Loan Program, authorization by Council is needed to execute a subgrant agreement; necessary CDBG funding is available in accounts listed in an attachment to the communication; a total of \$100,000.00 will be provided to BSCI to offer micro-loans to entrepreneurs for economic development; and it is anticipated that at least 30 jobs will be created and/or retained, of which at least 51% (16) will be held by or made available to low-to moderate-income persons.

The City Manager recommended that she be authorized to execute the 2004-2005 CDBG Subgrant Agreement with BSCI, to be approved as to form by the City Attorney.

Mr. Dowe offered the following resolution:

(#36810-081604) A RESOLUTION authorizing the City Manager to enter into a 2004-2005 Community Development Block Grant (CDBG) Subgrant Agreement with Business Seed Capital, Inc., upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 69, Page 65.)

Mr. Dowe moved the adoption of Resolution No. 36810-081604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

HOUSING/AUTHORITY-COMMUNITY PLANNING-GRANTS: The City Manager submitted a communication advising that convenient access to healthcare services is among the needs that residents of the City's southeast neighborhoods rate most highly; as a part of the *Southeast...by Design* (SEBD) project, Blue Ridge Housing Development Corporation (BRHDC) has acquired property for housing purposes; the Southeast Roanoke Healthcare Commission has requested that BRHDC provide one of the vacant, undeveloped parcels that it has acquired with private funds for use as the site of a future healthcare center; BRHDC is agreeable to doing so, provided that it is reimbursed for acquisition, transfer and related costs of approximately \$15,000.00; the City is agreeable to the costs being reimbursed from Federal Community Development Block Grant (CDBG) funds already available in Account No. 035-G04-0420-5354 under the City-BRHDC SEBD contract; however, neither the City's current Consolidated Plan nor the contract make provision for such use of CDBG funds; therefore, it is necessary for Council to approve an amendment to the Consolidated Plan as a prerequisite to amending the City-BRHDC contract for this purpose.

It was explained that the change to the Consolidated Plan constitutes a substantial amendment, which requires a 30-day public comment period; the period began on July 15, 2004, and ends at 5:00 p.m. on August 16, 2004; no objections have been received to date; plan amendment will become effective upon expiration of the comment period, should no compelling objections be received; it is expected that BRHDC will maintain possession of the selected parcel until the Commission is legally constituted to hold title to the property, or until another appropriate entity is identified or a mechanism is devised; and the instrument to be used for transfer will provide the necessary assurances to the City that the property will be used for the intended purpose within a reasonable period of time, or shall be returned to the City for a housing or other suitable community purpose.

The City Manager recommended that Council approve amendment of the City's Consolidated Plan to allow the use of CDBG funds to reimburse BRHDC for the cost of a property intended for a Southeast Healthcare Center, and authorize the City Manager to execute and submit the necessary documents, to be approved as to form by the City Attorney, to the United States Department of Housing and Urban Development.

Mr. Dowe offered the following resolution:

(#36811-081604) A RESOLUTION authorizing the appropriate City officials to execute an amendment to the Consolidated Plan for FY 2004-2005, providing for the use of Community Development Block Grant funds to reimburse Blue Ridge Housing Development Corporation for the cost of a vacant, undeveloped parcel intended to be used as the site for a future healthcare center, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 69, Page 66.)

Mr. Dowe moved the adoption of Resolution No. 36811-081604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

CITY PROPERTY-LEASES-SCHOOLS-CHURCH AVENUE PARKING GARAGE: The City Manager submitted a communication advising that the Roanoke City Public Schools ("Schools") has leased property located at 107 Church Avenue, S. W., from the City of Roanoke for the last 20 years for operation of the C.I.T.Y School Program; and no agreement is currently in place between the City and the Schools; however, both parties desire to enter into a lease agreement setting forth the terms and conditions of the lease.

It was further advised that the proposed agreement permits the Schools to lease space located in the Church Avenue Parking Garage for five years, with one five-year renewal option; according to the proposed agreement, the Schools would be responsible for maintaining and repairing all plumbing, heating, air conditioning, electrical and any other appliance or equipment associated with the property during the lease term and any renewals; and rent will be \$1.00 per year, with no parking to be included in the agreement.

The City Manager recommended that she be authorized to execute the appropriate documents, to be approved as to form by the City Attorney, to lease space at 107 Church Avenue, S. W., to the Roanoke City Public Schools for operation of the C.I.T.Y. School program.

Mr. Dowe offered the following ordinance:

(#36812-081604) AN ORDINANCE authorizing the City Manager to enter into an agreement with Roanoke City Public Schools for the lease of space in the Church Avenue Parking Garage, located at 107 Church Avenue,

for the term of five years, with one five year renewal option, for the operation of the CITY School program, upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 69, Page 67.)

Mr. Dowe moved the adoption of Ordinance No. 36812-081604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris-----6.

NAYS: None-----0.

(Council Member Lea was absent.)

BUDGET-CITY INFORMATION SYSTEMS-SCHOOLS-WATER RESOURCES: The City Manager submitted a communication advising that the Roanoke City Public School System is participating with the City of Roanoke to upgrade financial and HR/payroll applications in support of Council's objective of improving application integration; the School system previously committed \$1.5 million toward the cost of implementing new software programs; and, in addition, the School system is interested in adopting Lotus Notes applications currently used in the City, including E-Mail, Applicant Tracking, Position Control and Employee Self-Service.

It was further advised that the City's Department of Technology (DoT) will implement the above referenced applications to 25 administrative staff in the School system, and the Schools will fund hardware and network upgrades to support the applications; the School system has agreed to a \$3,000.00 monthly chargeback from the City to cover on-going computer support costs; and the Western Virginia Water Authority currently uses Lotus Notes and other City applications with support from DoT.

It was explained that the communication seeks authorization for adoption of a new chargeback to Roanoke City Public Schools, and increases the current Water Authority chargeback, to fund a permanent position to provide computer support to the School system and to the Water Authority; a full time support position is needed due to an increase in the number of users and applications which cannot be supported with existing staff; by adopting existing City applications, the Schools will save the cost of developing or purchasing similar applications; the Schools can also leverage the City's organizational support instead of creating support positions, and communications between City and School administrative staff will be greatly enhanced by virtue of using the same e-mail system.

The City Manager recommended that Council authorize addition of an Information Center Technician position in the Department of Technology, to provide on-going system support; authorize the Director of Finance to increase the revenue estimate in the DoT fund in the amount of \$7,500.00 from the Water Authority, and establish a revenue estimate in the amount of \$31,500.00 for the remainder of the fiscal year from charges to the City Schools for support of computer systems; and appropriate the following funds:

<u>Account</u>	<u>Object</u>	<u>Amount</u>
Regular Employee Salaries	1002	\$29,377.00
City Retirement	1105	2,798.00
ICMA Match	1116	650.00
FICA	1120	2,239.00
Hospitalization Insurance	1125	3,300.00
Dental Insurance	1126	221.00
Life Insurance	1130	333.00
Disability Insurance	1131	82.00
Total		\$39,000.00

(Revenue and associated expenditure amounts will be adjusted during the annual budgeting process to reflect a full year of activity for each fiscal year thereafter.)

Mr. Cutler offered the following budget ordinance:

(#36813-081604) AN ORDINANCE to appropriate funding for and provide approval of an additional position for computer support of the Water Authority and Schools and establish an internal billing revenue, amending and reordaining certain sections of the 2004-2005 Department of Technology Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 68.)

Mr. Cutler moved the adoption of Ordinance No. 36813-081604. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

CITY ATTORNEY:

CITY CODE-LEGISLATION: The City Attorney submitted a written report advising that recent changes to the Code of Virginia (1950), as amended ("Virginia Code"), by the State legislature have restricted the City's ability to regulate pneumatic guns; whereupon, he transmitted copy of §15.2-915.4 of the Virginia Code, effective July 1, 2004, which provides that such guns are defined in the statute as "any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure" and includes guns commonly known as, "paintball guns"; prior to amendment to the Virginia Code, the City prohibited the discharge of such guns anywhere within the City limits; however, the State now requires that localities permit the discharge of such guns within certain areas, i.e.: approved shooting ranges and other property where firearms may be discharged.

The City Attorney further advised that in order to bring the City Code into conformance with Virginia Code enabling legislation, it is recommended that Council adopt the appropriate City Code revision.

Mr. Cutler offered the following ordinance:

(#36814-081604) AN ORDINANCE amending §21-81, Discharge of air gun, gravel shooter, etc., to Article III, Weapons, of Chapter 21, Offenses - Miscellaneous, of the Code of the City of Roanoke (1979), as amended, to regulate the discharge of certain guns and devices in the City; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 69, Page 69.)

Mr. Cutler moved the adoption of Ordinance No. 36814-081604. The motion was seconded by Ms. McDaniel.

Mr. Steven Blecher, 2643 Beverly Boulevard, S. W., inquired if paint ball guns are in the same classification as air rifles; whereupon, the City Attorney advised that it is proposed to amend the City Code in order to be consistent with changes in State enabling legislation that became effective on July 1, 2004, by adopting a new definition for "pneumatic guns" which the Commonwealth of Virginia defines as including any implement designed as a gun that will expel a BB or a pellet by action of pneumatic pressure, and the term also includes a paint ball gun.

Mr. Blecher raised other questions in regard to the proposed City Code amendment; whereupon, the Mayor suggested that he confer with the City Attorney following the Council meeting.

Ordinance No. 36814-081604 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Deputy Director of Finance submitted a written report of the Director of Finance advising that fiscal year 2004 has come to a close; whereupon, she presented the fiscal year 2004 unaudited financial report, which financial data is subject to change during the course of the external audit, and audited financial statements will be presented to Council at the first meeting in December.

She advised that revenue estimate from all sources was \$206,581,058.00, while actual collections totaled \$207,166,265.00; and General Fund revenues exceeded the estimate by .28 per cent, or \$585,207.00.

The Deputy Director of Finance stated that Council adopted Ordinance No. 26292 on December 6, 1982, which established a reserve of General Fund balance for CMERP, specifically for maintenance and replacement of capital equipment; and computed per the requirements of Ordinance No. 26292, CMERP for fiscal year 2004 for the City is \$1,501,240.00 and \$766,981.00 for the schools, for a total of \$2,268,221.00, or 1.1 per cent of General Fund appropriations.

General Fund Designated Fiscal year 2004 CMERP

City Allocation	\$ 1,501,240.00
School Allocation	<u>766,981.00</u>
Total General Fund CMERP	\$ 2,268,221.00

Ms. Shawver explained that the School Board will receive a portion of the General Fund CMERP, per the revenue sharing agreement with the Schools, and also retain the CMERP generated in the School Fund, which is consistent with the method of allocating CMERP between the City and School Funds in prior years; General Fund CMERP allocated to the Schools is \$766,981.00; the amount of CMERP generated by the School Fund is \$704,354.00, or .6 per cent of School Fund Appropriations; and total CMERP available to the Schools in both the General Fund and the School Fund is \$1,471,335.00.

School Fund Designated Fiscal Year 2004 CMERP

School Share of General Fund CMERP	\$ 766,981.00
School Fund CMERP	<u>704,354.00</u>
Total School CMERP	\$ 1,471,335.00

Council Member Dowe expressed appreciation to the City's leadership, specifically the Department of Finance, for assisting Council in addressing requests from citizens for service without increasing taxes. He encouraged City staff to continue their efforts to identify other areas where City government can operate as efficiently as possible.

Upon question by Council Member Cutler, the Deputy Director of Finance advised that both the City of Roanoke and Roanoke County impose a 12 per cent utility tax on water service, the tax is ongoing and will be transferred to the Western Virginia Water Authority to fund operations for water service, and no State surcharges have been added to local sewer and water bills to date by the General Assembly.

Council Member Wishneff advised that the deficit in the Civic Facilities Fund and the Market Building Fund is higher this year compared to last year and inquired if a plan is in place to address the issue.

With reference to the Civic Center budget, the City Manager advised that the subsidy to the Civic Center for this year was increased in an effort to accommodate certain staffing needs that were reduced over the past several years to the detriment of the maintenance and upkeep of the facility, and there is also a financial impact associated with the loss of the hockey team. With regard to the Market Building Fund, she called attention to vacant space in the City Market Building that has not been rented for an extended period of time and it is hoped when the heating and air conditioning upgrade is completed in the Market Building, that the level of comfort will be improved and the space will be rented. She advised that over an extended period of time the company operating the City Market Building has negotiated with tenants on the common area maintenance fee, which increased significantly over previous years as a result of the City undertaking the expense of numerous repairs that should have been made in the past but were avoided; and even though the City owned the building, the City has now become more visible in its operation which has spurred tenants to make more requests of the City than were made of the previous management firm. She stated that a plan is in place to address future years.

Following further discussion, without objection by Council, the Mayor advised that the report would be received and filed.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council approve the following appropriations, was before the body.

- \$169,550.00 for the Addison Community Learning Center. The funds will be used to address the critical attendance, academic and parental involvement needs of the community in a safe, supervised, and nurturing environment, with 100 per cent to be reimbursed by Federal funds.
- \$62,600.00 for the Patrick Henry Youth Court, to provide for the supervision and necessary materials to continue the school-based youth court at Patrick Henry High School, with 100 per cent to be reimbursed by Federal funds.
- \$15,000,000.00 for Phase I construction costs of the Patrick Henry High School Project, with funds to be provided by City bond funds.

The Director of Finance submitted a written report recommending that Council concur in the request.

Mr. Cutler offered the following budget ordinance:

(#36815-081604) AN ORDINANCE to appropriate funding for the Addison Community Learning Center, Patrick Henry Youth Court and Patrick Henry High School Project, amending and reordaining certain sections of the 2004-2005 School and School Capital Projects Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 71.)

Mr. Cutler moved the adoption of Ordinance No. 36815-081604. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

BONDS/BOND ISSUES-SCHOOLS: A communication from the Roanoke City School Board advising that as a result of official School Board action on August 10, 2004, the School Board adopted a resolution to participate in the 2004 Interest Rate Subsidy Program Bond Issue, the proceeds of which will be used in lieu of the Literary Fund loan approved by the State for the Lincoln Terrace Elementary School project; and the School Board will pay debt service on the VPSA Interest Rate Subsidy Bond Issue, was before the Council.

It was further advised that use of the bond issue provides:

- An interest rate of three per cent—the same as the Literary Fund loan rate.
- The debt will not count against the \$20 million Literary Fund loan debt ceiling for the locality.
- The first debt service payment will not be due until the 2005–06 fiscal year.

The School Board requested that Council adopt a resolution indicating that the City of Roanoke wishes to participate in the VPSA bond issue, and if the application is approved by the VPSA Board, Council will be requested to hold a public hearing and act on other procedural matters that may be required for participation in the VPSA bond issue.

Mr. Dowe offered the following resolution:

(#36816–081604) A RESOLUTION authorizing and directing the City Manager to file an application with the Virginia Public School Authority seeking bond financing in an amount estimated not to exceed \$1,300,000.00 to finance certain capital improvements to Lincoln Terrace Elementary School, previously approved pursuant to Resolution No. 36138–111802 and No. 36139–111802, adopted by the Council at its November 18, 2002, meeting.

(For full text of Resolution, see Resolution Book No. 69, Page 73.)

Mr. Dowe moved the adoption of Resolution No. 36816–081604. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

CITY EMPLOYEES: Council Member Dowe commended participation by Virginia Tech and the City of Roanoke in the Emerging Leaders Workshop which was recently held at The Hotel Roanoke and Conference Center and was attended by top African-American students from historically black colleges and universities throughout the country. He also commended the City of Roanoke on its recruitment efforts during the workshop.

SCHOOLS: Council Member Wishneff expressed appreciation to the Roanoke City School Board for committing to increase the amount of funds allocated for school safety.

TRAFFIC-COMMISSIONER OF THE REVENUE: Vice-Mayor Fitzpatrick requested that the Commissioner of the Revenue be encouraged to use the City's new branding image on 2005 City of Roanoke vehicle decals; whereupon, the Mayor advised that he would communicate the request of Council to the Commissioner of the Revenue.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMMITTEES-ARMORY/STADIUM: Ms. Pat Lawson, 1618 Riverside Terrace, S. E., requested that Council appoint Ms. Alice Hincker to the Stadium Study Committee.

CITY MANAGER COMMENTS: NONE.

At 3:10 p.m. the Mayor declared the Council meeting in recess for two briefings by the City Manager and seven Closed Sessions. The meeting immediately reconvened in the Council's Conference Room.

CITY EMPLOYEES: The City Manager introduced a briefing on the Employee Development Program. She advised that the City of Roanoke has invested a considerable amount of time and resources in the development of its employee workforce and it is appropriate to share with Council the myriad of activities that are currently underway to ensure that City employees not only have the benefit of

multi-opportunities to progress in their own career, but that the City organization is ready for whatever the future holds in terms of vacancies and other opportunities, etc. She stated that in the past, concerns have been expressed that the City of Roanoke goes outside of the City organization to fill certain key positions, therefore, to address that concern, the City has embarked on an ambitious and worthwhile program that has seen tremendous progress and could be emulated by other localities.

Kenneth S. Cronin, Director, Human Resources, advised that the goals of employment development are to improve the quality of services provided to citizens, to prepare employees for career opportunities within the City; to “grow our own” and “increase our bench strength”; to support employee development at all levels of the organization; to prepare future leaders; and to review employee development goals at least annually in the performance appraisal process.

He advised that the City’s program provides for new employee orientation; general and technology course offerings at the Employee Learning Center; on the job training provided in departments, i.e.: public safety academies, field training officer, introduction to department operations, learning a new filing system and understanding departmental policies and procedures; the Tuition Assistance Program allows pre-payment for courses and covers courses outside of the employee’s primary job area; and, in addition to the Employee Development Program, other programs include Foundations for Leadership Excellence, Leading Educating and Developing, Senior Executive Institute, Leadership Development Initiative, and Leadership Roanoke Valley.

Mr. Cronin reviewed the following programs:

- Employee Development program – Initiated in 2001, is open to all employees, offers education and development planning, skill and interest inventories, one-on-one coaching and access to a variety of educational venues; 93 employees participate (52 per cent women and 42 per cent minorities); ten employees have secured new positions, 14 employees have enrolled in degree programs and 33 employees have completed formal development plans.
- Foundation for Leadership Excellence Program – An entry-level, one week introduction to leadership for new and prospective supervisors since 1990; the program is on-site at the Employee Learning Center; emphasis is placed on work planning, delegation and employee motivation; there is a target audience of over 250 supervisors and team leaders; the City’s goal is to have all new supervisors participate; and a new partnership with Ferrum College will be initiated in 2004 that provides college credit.

- Leading, Educating and Developing (LEAD) Program—An experimental program designed to renew leadership practices and to create organizational changes, emphasizing democratic principles and systems thinking; the program is delivered through The Weldon–Cooper Center at the University of Virginia; approximately 54 City employees have attended the week–long residential program since 1990; and in 2004, a LEAD Alumni Group was formed to inculcate and expand practices through the organization.
- Leadership Roanoke Valley Program – An interactive ten month program which is intended to help participants better understand issues facing the Roanoke region; creative ideas and approaches help to build leadership skills and show participants how to make a difference in business and the community; monthly programs are created, organized, funded and facilitated by participants under the guidance of curriculum counselors; and programs address economic development, technology, education, Quality of life and community involvement.
- Senior Executive Institute – Helps executives explore the changing environment and enhance their personal and professional skills; aligns service, community, democracy with the roles and responsibility of leadership and four current senior managers have participated.
- Leadership Development Initiative – A new, flagship program, custom designed to increase the leadership and management skills of 124 middle managers; the program is intended for future City leaders based upon a set of 16 leadership competencies, and includes formal skills assessment, formal competency training provided by Radford University and bi-monthly leadership forums; and includes follow-up assessment to determine content actually learned and special project assignments for on-the-job application.

Competencies of the Leadership Development Initiative:

Continuous improvement – improving service and delivery production, quality and innovation.

Embraces change – increasing success and reducing stress in times of change.

Orientation to the future – improving strategic thinking consistent with City/County vision, values and mission.

Financial and Resource Management – learning finance concepts, tools, applications for managers with something other than finance backgrounds.

Communication and interpersonal relations (two competencies)–a licensed program that focuses on conflict management and relationship building.

Team Leadership–focusing on basic team dynamics and how communication styles support team leadership and effectiveness.

Personal Integrity – teaches importance of making fair decisions based on facts and maintaining confidentiality.

Personal and individual learning skills – learn how to coach individuals to achieve personal and professional growth.

Performance management – defining goals, formulate action plans and monitor progress; teaches managers to clearly state expectations and to conduct effective needs assessments.

Employee development/coaching – changing unacceptable performance to desired performance, while maintaining relationships.

Personal accountability – managers learn to accept responsibility for their own actions.

Conflict resolution – giving managers the tools they need to analyze conflicts and resolve productivity.

Critical thinking – evaluating information to arrive at decisions while taking into account impact of action.

Customer orientation – effectively meet expectations for customers.

Technological competency – applying Microsoft Suite software for managerial decision-making and organizational performance.

Policy and procedure development/implementation – identifying need and understanding the practical aspects of policy development and implementation.

Following Mr. Cronin's presentation and in the interest of time, the Mayor suggested that if Members of Council have questions, they should be addressed to the City Manager and/or to Mr. Cronin following the meeting.

CITY EMPLOYEES: The City Manager advised that Council Member Wishneff previously requested a briefing on the City of Roanoke's application of the Family and Medical Leave Act; whereupon, she called upon Kenneth S. Cronin, Director, Human Resources.

Mr. Cronin advised that the Family and Medical Leave Act (FMLA) was adopted by Congress and signed into law in 1993, the purpose of which was to balance the demands of the work place and the needs of families; under the Act, employees are allowed up to 12 weeks as time off due to their own serious health condition or that of certain family members; and birth or adoption of a child qualifies for FMLA.

He further advised that the impact of FMLA upon the City of Roanoke and its employees has been minimal; the City, like many local governments in 1993, already had in place generous leave plans for its employees, therefore, compliance with the FMLA has been relatively easy to achieve; the City of Roanoke has a comprehensive package for employees, including long term disability, as well as pension plan provisions that help to meet the unforeseen need of employees when a disability occurs; health and dental premium portions paid by the City continue during the FMLA time; paid forms of leave run concurrently with FMLA time off; and job protection is provided while on FMLA time off, but ends at the conclusion of FMLA time.

Mr. Cronin stated that a survey was conducted of the following local governments to determine standard practices in the marketplace in regard to the charging method of FMLA time:

Alexandria	Arlington County
Bedford	Blacksburg
Charlottesville	Chesapeake
Chesterfield County	Commonwealth of Virginia
Danville	Fairfax County
Hampton	Harrisonburg
Henrico County	Loudon County
Lynchburg	Martinsville
Newport News	Norfolk

Portsmouth

Richmond

Roanoke

Roanoke County

Salem

Staunton

Virginia Beach

York County

He advised that of the above listed 25 employers surveyed, only three, Arlington County, Danville and Salem, do not charge FMLA and paid forms of leave concurrently.

Council Member Wishneff advised that the spirit of the FMLA in 1993 was to protect the employment status of employees who experienced family situations to ensure that the employee would not lose their job. He inquired as to why any employee would abuse the system inasmuch as they would not be compensated and it would appear that only a few City employees would be affected in any given year. He asked that consideration be given to enacting a system similar to Salem, Danville and Arlington County to provide that once the employee exhausts paid leave, the employee would have the option to use unpaid leave.

During a discussion of the FMLA, it was noted that the matter was brought up during the May 2004 Councilmanic campaign by a specific group of City employees and the issue does not appear to be a matter of concern to City employees overall; there is no reason to change the way in which the City administers the FMLA when the majority of governments in the Commonwealth of Virginia have concluded that paid forms of leave run concurrently with FMLA; and the City of Roanoke has a lenient policy in comparison to the private sector.

The City Manager advised that currently, the City has two leave plans, the old leave plan and the new leave plan; under the old leave plan employees can exhaust any leave which is earned on an annual basis and on July 1 of each year, leave time is replenished. She stated that she would like to meet with Council Members to discuss the City's leave policies in more detail.

The Mayor requested that Council be provided with complete information regarding both leave plans in order to have a frame of reference from which to move forward.

Following discussion, it was the consensus of Council to meet with the City Manager informally to discuss both leave plans and that Council Members will be provided with pertinent information regarding both leave plans.

At 5:10 p.m., the Council met in Closed Session in the Council's Conference Room.

At 7:00 p.m., on Monday, August 16, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S.W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Mayor C. Nelson Harris-----6.

ABSENT: Council Member Sherman P. Lea-----1.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Ann H. Shawver, Deputy Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

COMMITTEES-ARMORY/STADIUM: Mr. Cutler moved that Patricia Cronise and Richard Kepley be appointed as additional members of the Stadium Study Committee. The motion was seconded by Mr. Fitzpatrick and adopted.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 16, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of C. Douglas and Ana P. Corbin to permanently vacate, discontinue and close the southernmost portions of Thyme, Linden and Pink Streets, S. E., at their intersections with Ivy Street, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 30, 2004, and Friday, August 6, 2004.

A report of the City Planning Commission advising that the subject portions of right-of-way are unimproved; the petitioners' driveway currently extends across the subject portion of Linden Street between Official Tax Nos. 4041711 and 4041813; the petitioners own adjoining parcels, of land described as Official Tax Nos. 4041711, 4041813, 4041908-1041910 inclusive, and 4041405, which adjoins Pink Street to the northeast, and is not owned by the petitioners, was before Council.

It was explained that the attorney for the petitioners reports that his clients would be required to combine all of their parcels with the vacated portions of right-of-way and they agree not to further subdivide the parcel thereafter.

The City Planning Commission recommended approval of the request, subject to certain conditions as more fully set forth in the report, and further recommended that the petitioners not be charged for the rights-of-way; and, in exchange, the petitioners will record a plat combining all parcels of land and vacated rights-of-way into one single parcel, with the plat to state that the combined property will not be further subdivided.

Mr. Dowe offered the following ordinance:

(#36817-081604) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 74.)

Mr. Dowe moved the adoption of Ordinance No. 36817-081604. The motion was seconded by Mr. Fitzpatrick.

Daniel F. Layman, Jr., Attorney, appeared before Council in support of the request of his clients.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 36817-081604 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 16, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Hollins Road Church of the Brethren, Doris P. Fitzgerald, and John H. and Melba W. Burleson to permanently vacate, discontinue, and close an alley located between the 800 blocks of Palmer Avenue and Liberty Road, N. E., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 30, 2004, and Friday, August 30, 2004.

A report of the City Planning Commission advising that Hollins Road Church of the Brethren initiated the petition in order to pursue construction of an accessory structure on Official Tax No. 3131204; and owners of the two adjoining properties have agreed to be co-petitioners and will provide easements across their respective portions of the vacated alley, was before Council.

The City Planning Commission recommended approval of the request, subject to certain conditions as more fully set forth in the report and further recommended that the petitioners be charged \$2,495.00 for the alley.

Mr. Dowe offered the following ordinance:

(#36818-081604) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 77.)

Mr. Dowe moved the adoption of Ordinance No. 36818-081604. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing.

Douglas W. Noell, representing Hollins Road Church of the Brethren, advised that for the last 50 years, the Church has used the alley as its main location for ingress and egress, and the Church has paved and maintained the alley without assistance from the City. Therefore, he requested that the alley be donated to the Church in order to control ingress and egress to the property and to construct a shelter for Church related activities. He stated that the City Planning Commission recommended that the Church be charged \$2,495.00 for the alley, however, since Hollins Road Church of the Brethren is supported by a small congregation, it is requested that Council reduce the amount by one half.

Upon question, the City Manager explained that for many years the City disposed of alleys and paper streets without payment; and approximately five years ago, Council was requested to change the policy, with a recommendation in each instance to be submitted by the City Planning Commission. She advised that during her tenure as City Manager, she could recall only one occasion when Council chose to place a value on the property that was different from that which was recommended at the City Planning Commission or staff level, and in that specific instance, it was the decision of Council to reduce the dollar amount. She further advised that she was not aware of any instance when the City offered an extended payment provision for a petitioner and the options available to Council include accepting the recommendation of the City Planning Commission as to value, or to consider a lesser value; however, an extended period of time or a payment plan is not an option that the City would generally consider.

There being no further speakers, the Mayor declared the public hearing closed.

Mr. Fitzpatrick moved that paragraph one, page 3, of Ordinance No. 36818-081604 be amended to provide that the petitioner will be charged \$2,000.00 instead of \$2,495.00 for the alley. The amendment was seconded by Mr. Cutler and adopted.

Ordinance No. 36818-081604, as amended, was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 16, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of 2123 Crystal Spring Avenue, LLC, that proffered conditions presently binding upon a tract of land located at 2123 Crystal Spring Avenue, S. W., identified as Official Tax No. 1050514, as set forth in Ordinance No. 34734-040300, be repealed and replaced with new proffered conditions, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 30, 2004, and Friday, August 6, 2004.

A report of the City Planning Commission advising that Official Tax No. 1050514 was conditionally rezoned CN, Neighborhood Commercial, Conditional from C-1, Office District, in April, 2000; the petition requests an amendment to the proffered conditions in order to locate more than one restaurant on the subject parcel; and proffered conditions to be repealed are:

The use of the property will be for a restaurant, with no provision for drive thru or delivery service. The petitioner also reserves the right to use the property for general and professional offices, including financial institutions, medical offices or medical clinics.

Parking for the restaurant will be provided using the existing parking located in the rear of the property and additional off premises facilities as arranged by the property owner or tenant as certified by the Zoning Administrator to meet parking requirements of one space for every 200 square feet of net floor area plus one space for every employee. In the event the property is used for general and professional offices, including financial institutions, medical offices or medical clinics, certification must be provided that there is one space for every 300 square feet of net floor area.

The exterior of the existing structure will not be altered except:

- (a) in compliance with minimum building code requirement for the change of use of this building
- (b) to provide the necessary handicap accessible structures
- (c) cosmetic enhancements such as painting, signage, lighting, awnings, shutters, and similar cosmetic changes.

The Planning Commission further advised that the petitioner requests that the following proffered conditions be substituted and adopted:

Uses of the property shall be limited to the following:

- (a) Restaurants, with no drive through window;
- (b) General and professional offices, including financial institutions;
- (c) Medical offices; and
- (d) Medical clinics, if a special exception is granted.

Off-street parking shall be provided using the existing parking located in the rear of the property and additional off premises facilities as arranged by the property owner or tenants as certified by the Zoning Administrator to meet the following parking requirements of:

- a. For restaurants, one (1) space for every 200 square feet of net floor area plus one (1) space for every employee at the highest shift; and
- b. For general and professional offices, medical offices, or medical clinics, one (1) space for every 300 square feet of net floor area.

The exterior of building A (see exhibit B for building designations) shall not be altered except:

- a. in compliance with minimum building code requirement for the change of use of this building
- b. to provide the necessary handicap accessible structures
- c. cosmetic enhancements such as painting, signage, lighting, awnings, shutters, and similar cosmetic changes

Given previously proffered conditions on the property and the limited impacts of the proposed amendments to the proffers, the City Planning Commission recommended approval of the requested amendment of proffers on the subject property.

Mr. Dowe offered the following ordinance:

(#36819-081604) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 105, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned CN, Neighborhood Commercial District; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 79.)

Mr. Dowe moved the adoption of Ordinance No. 36819-081604. The motion was seconded by Mr. Fitzpatrick.

Ray Craighead, Craighead and Associates, representing the petitioner, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by the Members of Council, Ordinance No. 36819-081604 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 16, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Roanoke Gas Company that a portion of Kimball Avenue, N. E., right-of-way bounded on the east by Official Tax No. 3015009, on the south by Official Tax No. 3105001, and extending from the northwest corner of Official Tax No. 3105009, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 30, 2004, and Friday, August 6, 2004; and in *The Roanoke Tribune*, on Thursday, August 5, 2004.

A report of the City Planning Commission advising that the petitioner requests closure of an approximately 1,250 square foot portion of Kimball Avenue, N. E., lying between two of its parcels; and due to the unusual configuration of the portion of right-of-way, staff researched previous surveys of the petitioner's property and checked City records to ensure that the property is not needed for public use, was before the Council.

Considering that the proposed vacation will result in providing additional parking area in support of existing development, the City Planning Commission recommended vacation of the right-of-way, subject to certain conditions as more fully set forth in the report, and further recommended a price of \$3,125.00.

Mr. Fitzpatrick offered the following ordinance:

(#36820-081604) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 81.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36820-081604. The motion was seconded by Mr. Dowe.

John D'Orazio, Chief Operations Officer, Roanoke Gas Company, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by the Members of Council, Ordinance No. 36820-081604 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick and Mayor Harris -----6.

NAYS: None-----0.

(Council Member Lea was absent.)

COMMUNITY PLANNING-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 16, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request for Amendment of Vision 2001-2020, the City's Comprehensive Plan, to include the Williamson Road Area Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 30, 2004, and Friday, August 6, 2004; and in *The Roanoke Tribune* on Thursday, August 5, 2004.

A report of the City Planning Commission advising that the Williamson Road Area Plan identifies four high-priority themes:

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- Creating a network of unique and identifiable places through special site specific planning.
- Changing commercial land use patterns to respond to commercial development needs.
- Improving the appearance and function of streets.
- Improving the design of residential and commercial buildings and sites.

The Plan proposes policies and actions in support of the following priorities:

- Strategic Initiative areas – special places where site-specific planning will be undertaken to identify improvement opportunities.
- Limiting piecemeal expansions of general commercial zoning and using zoning districts such as CN, Neighborhood Commercial, which provide greater flexibility for expansion on existing land and also expand parking options.
- Streetscapes and transportation improvements for arterial and collector streets.
- Guidelines for residential and commercial development.

The City Planning Commission recommended adoption of the Williamson Road Area Plan as a component of Vision 2001–2020.

Mr. Fitzpatrick offered the following ordinance:

"AN ORDINANCE approving the Williamson Road Area Plan, and amending Vision 2001–2020, the City's Comprehensive Plan, to include the Williamson Road Area Plan; and dispensing with the second reading of this ordinance by title".

Mr. Fitzpatrick moved the adoption of the above referenced ordinance. The motion was seconded by Mr. Cutler.

R. Brian Townsend, Agent, City Planning Commission, advised that:

- Work on the Plan began in the Spring of 2003 and City staff sponsored three community planning workshops between May and July, 2003, at Breckinridge Middle School.
- Following release of a draft Plan in February, 2004, staff sponsored two additional workshops in March and April to give residents and businesses an opportunity to review and comment on the Plan.

- The City Planning Commission held a public hearing on the Plan on June 17, 2004, and during the public hearing numerous comments were made by the President of the Williamson Road Area Business Association and others requesting the City Planning Commission to consider a 30 day continuation for further discussion and review of certain issues identified in the Plan; and the Planning Commission granted continuation of the public hearing until its July 2, 2004 meeting.
- At its work session, the City Planning Commission discussed concerns raised by the Williamson Road Area Business Association and, in response, the Commission was of the opinion that completion of the neighborhood planning process and the resulting recommendations as they pertain primarily to future land use in an adopted plan were an imperative prerequisite to future zoning decisions that will be associated with adoption of a new zoning ordinance which is anticipated for adoption in late 2004.
- The City Planning Commission further determined that the land use plan should be structured as a guide to future zoning decisions, and should provide a general policy framework around which zoning determinations could be made based on specific circumstances and context existing in the neighborhood.
- Concerns about revisions to the zoning ordinance text currently underway are more appropriately communicated to the appropriate forums that have been identified to address the content of the specifically proposed districts or proposals for introduction of certain site development standards and land uses through the zoning ordinance steering committee and the City Planning Commission
- In consideration of the July 2, 2004, work session discussions, the Planning Commission directed staff to review how the future land use plan relates to future zoning decisions.
- Revisions to the draft Plan were developed by staff prior to the City Planning Commission's public hearing on July 15 at which time the Williamson Road Area Business Association expressed continued opposition to the Plan's future land use designation of small and medium scale commercial businesses along the Williamson Road corridor; the Roanoke Business Group also spoke in opposition to the land use designations along the corridor and noted six concerns in regard to neighborhood commercial zoning.

- The Planning Commission noted that language on pages 37 and 38 of the Plan was revised to explicitly clarify the relationship between proposed land use designations and future zoning districts so as to allow for consideration and designation of multiple zoning districts within certain commercial land use designations, depending on the context, scale and existing land uses found along the corridor.
- The Planning Commission also noted that land use designations contained in the Neighborhood Plan are not absolutely tied to any specific zoning district category or content of the zoning ordinance draft that is currently under review.
- The Plan content also contains four general themes including creating a network or unique and identifiable places through special site specific planning, changing commercial land use patterns to respond to commercial development needs, improving the appearance and function of streets in the neighborhood, and improving the design of residential and commercial buildings and sites.
- Based on consideration of the two public hearings in June and July, revisions were made to the draft and the City Planning Commission recommended approval of the Plan by a 7 – 0 vote.
- The area along the Williamson Road corridor from Hershberger Road to Liberty Road which is small and medium scale commercial, that differ from other areas of the neighborhood such as Valley View Mall, Crossroads Mall, and Towne Square better fit the existing land use pattern along that part of the corridor, with smaller buildings, smaller lots and less intensive uses than found elsewhere in the neighborhood.
- Language was added under the small and medium scale commercial uses to address the relationship of the designation to future zoning.
- The area between Hershberger Road and Liberty Road along Williamson Road is a commercial area; however, it exhibits a development pattern that is different from its companion areas elsewhere in the neighborhood that are more intensely developed.

- Regional commercial areas should be primarily designated with large site commercial zoning, but may contain limited areas with general commercial districts in an effort to tie the land use plan and its context to a future zoning decision that would ultimately be made by the City Planning Commission and the Council.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing.

William G. Via, President, Williamson Road Area Business Association (WRABA), advised that the Board of Directors requests that Council not adopt the Williamson Road Neighborhood Plan in its present format; the Board agrees with many aspects of the Plan; however, it disagrees with the new designation that zones a major portion of Williamson Road as CN; and the Board is of the opinion that the proposed zoning changes will negatively impact growth and expansion of businesses along Williamson Road and property values will suffer.

On behalf of the Board of Directors, Mr. Via offered cooperation in drafting a new zoning ordinance and advised that the Board would like to work with the City Planning Commission and City staff to address their concerns with regard to the proposed zoning and appropriate implementation tools; and WRABA would prefer that the Neighborhood Plan and the Zoning Ordinance be adopted together.

Wendy Jones, 2714 Tillett Road, S. W., Member of the Board of Directors, Williamson Road Area Business Association, advised that WRABA wishes to work with the City on the Williamson Road Neighborhood Plan. She called attention to certain excellent points in the Neighborhood Plan, however, there are certain other points that need further clarification and/or review before the Plan is acted on by Council. She requested that Council delay adoption of the Williamson Road Neighborhood Plan pending further clarification.

Mr. Rick Williams, 3725 Sunrise Avenue, N. W., addressed Council as a resident of the Williamson Road area, and spoke in support of the Neighborhood Plan and encouraged its adoption by Council. He stated that the Plan identifies issues of concern to the neighborhood, addresses a balance of interests, creates a network of unique and specific identifiable places along Williamson Road, includes substantial greenway initiatives and traffic calming, and provides guidelines for the formalization of the function of streets like Oakland Boulevard as framework streets by adding sidewalks and street trees, etc. He further stated that the issue of small and medium scale commercial along Williamson Road will not be detrimental to either businesses or adjoining neighborhoods and small and medium scale commercial can be mapped in terms of zoning use as either neighborhood commercial, commercial office, or C-2, General Commercial, depending upon the scale of existing uses and the impact on nearby residential

areas. He advised that one of Williamson Road's biggest needs is pedestrian accessibility and the promotion of a kind of neighborhood scale business model; and some persons in the Williamson Road area believe that this is a business model that will encourage greater business density and a more diverse business mix on Williamson Road, while at the same time sustain and nurture both businesses and nearby neighborhoods in the corridor. He stated that in the past, residents of Williamson Road have had "no seat at the table"; businesses propose to locate on Williamson Road, but there is no opportunity for residents to discuss potential impacts, and the proposed Neighborhood Plan provides much greater flexibility to do so, therefore, it is supported by many Williamson Road residents.

Ben A. Birch, III, 923 Curtis Avenue, N. W., representing the Airlee Court Neighborhood Watch Association, advised that the Association requests that Council not adopt the Williamson Road Neighborhood Plan in its present format. He stated that after discussing the Plan as presently drafted, members of the organization support a large portion of the Plan, but due to restrictions on businesses in the large proposed CN areas, it is believed that this will damage commercial growth in the area, and ultimately damage Williamson Road neighborhoods and the City. He advised that the Airlee Court Neighborhood Watch Association wants the business community to be healthy because ultimately it depends on those businesses for jobs and taxes that support City services.

Bill Tanger, Director, Roanoke Business Group, addressed the time line for adoption of the Neighborhood Plan and advised that there is no need for the Plan to be adopted before the new zoning ordinance is adopted. He advised that there are approximately 30 neighborhood plans in the City of Roanoke which periodically come up for adoption and/or revision, none of the plans are tied directly to the zoning ordinance, and at the time the Plans were adopted, they became a part of the zoning process that existed at the time. He stated that City staff made certain revisions to the definitions of CN, CC and other commercial zones at the request of the Williamson Road business community which was a small step forward; however, what should have been done with the future land use map is the area that now has been redefined as possibly allowing general commercial or office commercial, as well as CN, should be changed so as to remain in its most flexible category of general commercial, with the option of also making some of the area CN or CC, etc. He added that the purpose of the future land use map is a general picture of what the City and residents of the neighborhood would like to see in the future; and the neighborhood business community would like to see the most flexible way to redevelop and to grow the business area, thereby helping the neighborhood in both residential and business. He stated that the Williamson Road business community would like to work with the City to further clarify the Plan.

(See communication from Mr. Tanger on file in the City Clerk's Office.)

Mr. Douglas Hart, 3801 Highwood Road, N. W., spoke in support of the Neighborhood Plan because it provides diversity and interest centers in the Williamson Road area and will create a more diverse community of businesses and interaction with the neighborhood.

The City Attorney was requested to comment on the effect of the Neighborhood Plan, if adopted by Council; whereupon, he advised that if adopted by Council, the Plan will become an element of the City's Comprehensive Plan; for many years, the City has been working to develop Plans for each of the various City neighborhoods; and once the Plan becomes a part of the Comprehensive Plan, the Plan has legal standing and becomes a guide for the subsequent adoption of the zoning and subdivision ordinances and the zoning map. He stated that zoning actions and the zoning ordinance are supposed to be consistent with the Comprehensive Plan; and the problem, which is often litigated in zoning, is that when one looks at a comprehensive plan, different elements can be selected to make an argument for or against a particular zoning action or zoning ordinance. He advised that Council has the option to amend the Comprehensive Plan, or to amend the zoning ordinance or the zoning map in conformance with the Comprehensive Plan.

Vice-Mayor Fitzpatrick offered a substitute motion that Council table action on the Williamson Road Neighborhood Plan until the meeting of Council on Monday, October 18, 2004, at 7:00 p.m., in order that City staff may address specific concerns raised by previous speakers. The motion was seconded by Council Member Wishneff.

Council Member Dowe inquired about the growth pattern of Williamson Road businesses over the past five years; whereupon, Mr. Townsend advised that C-2 zoning has been in effect for approximately 17 years and has not led to any major development along the Williamson Road corridor, and, in fact, staff and the City Planning Commission believe that it has had adverse impacts by allowing a wrong mix of uses to pervade the corridor, and is the reason that the Neighborhood Plan, as a policy document, did not define that part of Williamson Road between Liberty Road and Hershberger Road in great detail; the City Planning Commission has confirmed that three zoning districts would be considered appropriate within the guidelines or the policy set by adoption of the plan; i.e.: neighborhood commercial, corridor commercial or general commercial, and commercial office; and all three of the designations are currently under review by the zoning ordinance steering committee for content, zoning regulations, and permitted uses, which will be followed by a decision of the City Planning Commission on how to map those specific zoning districts within the confines or perimeters identified by the land use plan. He stated that his concern with regard to delaying action on the plan is that without some policy direction, the steering committee, staff and the City Planning Commission have no guide upon which to evaluate zoning regulations as they evolve over the next two months; and the steering committee is moving forward in its review of the

proposed ordinance and intends to submit a draft of the ordinance to the City Planning Commission by September, 2004. He added that when it is time to review the zoning map that would accompany the zoning changes, without an adopted land use plan, there are no guides upon which to make a recommendation on the zoning regulations to the City Planning Commission or to the City Council. He advised that the Planning Commission was of the opinion that the flexibility identified in the land use plan in the area between Hershberger and Liberty Roads is flexible enough to provide both staff, the City Planning Commission and ultimately the City Council, the perimeters on which they could make a reasoned zoning decision once they have the content of the ordinance and the proposed map before them and without any policy adoption prior to that time, it would be difficult to develop a plan and its implementation parallel. He added that State law encourages that comprehensive plans be prepared first, followed by all other activity, and zoning decisions are the number one tool for implementation of any comprehensive plan, other than operating budgets and capital budgets; and zoning is the way in which development and use of land is regulated. Therefore, he advised that delaying the policy decision will, in effect, hinder development of implementation from a land use regulatory point of view.

Following further discussion and questions by Council Members, the substitute motion offered by Mr. Fitzpatrick, seconded by Mr. Wishneff, to table action on the matter until the regular meeting of Council on Monday, October 18, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, in order that City staff may address concerns raised by speakers, was adopted.

At 8:05 p.m., Council Member Cutler left the meeting.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 16, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke that a tract of land located at the intersection of Orange Avenue and Blue Hills Drive, N. E., designated as Official Tax No. 7160113, be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, July 30, 2004, and Friday, August 6, 2004.

A report of the City Planning Commission advising that the petitioner is requesting the rezoning of Official Tax No. 7160113 from LM, Lighting Manufacturing District, to C-2, General Commercial, Conditional, for the purpose of permitting development of commercial uses at the entrance to the Roanoke Centre for Industry and Technology (RCIT); and the petitioner proffers the following conditions:

Principal permitted uses on the property shall be limited to the following:

- a. Restaurants;
- b. Hotels, motels, inns;
- c. Business service establishments;
- d. Indoor recreational uses limited to a fitness center;
- e. General and professional offices including financial institutions; and
- f. Day care centers with unlimited capacity subject to requirements of Section 36.1-510 et seq.

There shall be no curb cuts on Orange Avenue/Route 460.
Freestanding signage shall be limited to one (1) per principal permitted use development on the property.

Given the petitioner's consistency with *Vision 2001-2020*, the City Planning Commission recommended approval of the request for rezoning, subject to conditions proffered by the applicant; and the Planning Commission requested that Council, in order to ensure that future development of the property adheres to the principles and policies of *Vision 2001 - 2020*, the City's Comprehensive Plan, require that a detailed site development plan, including building perspectives and elevations, be submitted to the Planning Commission for review and approval before the property, in whole or in part, is conveyed to a potential buyer.

Mr. Dowe offered the following ordinance:

(#36821-081604) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 716, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 69, Page 83.)

Mr. Dowe moved the adoption of Ordinance No. 36821-081604. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing.

Ms. Linda Grome, 4050 Trail Drive, Roanoke County, advised that the City of Roanoke annexed the rear portion of her property and then constructed an industrial park in the early 1980's; when construction began on the industrial park, homes in the area sustained damage due to a geological rock bed that runs from the industrial park to the foundation of her home, and the geological rock bed is located in the area proposed to be rezoned. She requested Council not approve the rezoning without conducting the appropriate water runoff tests and geological surveys and that the matter be referred back to the City Planning Commission for further study and review.

Ms. Nancy Cawley Williams, 9149 Hardy Road, Vinton, Virginia, former owner of the property located at 4050 Trail Drive from 1962–2001, advised that the house sustained damage as a result of construction of the Gardner–Denver facility and following litigation she was awarded a settlement by the Roanoke County Circuit Court. She stated that her purpose in appearing before Council was to reiterate that the house was damaged and the current property owners should be extended a certain level of protection by the City.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that in view of the concerns expressed by previous speakers, the matter should be referred back to the City Planning Commission for geological testing.

In response to Ms. Grome's concern, Vice-Mayor Fitzpatrick advised that the proposed rezoning provides for a much less dense development than the industrial portions and before a building permit is issued to utilize any of the property, City staff will ensure protection and/or geological testing. He pointed out that the interests of Ms. Grome can be protected through the process of permitting through the City Planning Department, as opposed to the actual rezoning.

Ms. Grome advised that once the rezoning is approved by Council, City Council will have no further involvement; whereupon, Vice-Mayor Fitzpatrick responded that once the property is up zoned to office and institutional as opposed to heavy industrial, the kind of development that can take place is changed, and there is less chance of touching the rock strata with the kind of development that will be permitted under the proposed zoning classification. He stated that City Planning staff is aware of the concerns and will ensure, before permitting sites under the new rezoning classification, that appropriate steps are taken with regard to core drilling and/or geological testing.

The Mayor advised that the rezoning acts in favor of the concerns expressed by Ms. Grome because property will be rezoned from light manufacturing to commercial district, and plans for development of the property will be presented to Council which will give Council a subsequent opportunity to ensure that Ms. Grome's concerns are addressed.

Mr. Townsend advised that in addition to recommending approval of the request for rezoning, the City Planning Commission requests that Council refer any detailed site plan/development plan, including building prospectus and elevations, to the City Planning Commission for review and approval prior to the property, in whole or in part, being conveyed to a potential buyer.

There being no further speakers, the Mayor declared the public hearing closed.

There being no further questions or comments by Council Members, Ordinance No. 36821-081604 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Dowe, Fitzpatrick and Mayor Harris -----5.

NAYS: None-----0.

(Council Members Lea and Cutler were absent.)

BOUNDARY LINE ADJUSTMENTS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 16, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to adoption of an agreement between the City of Roanoke and the County of Roanoke authorizing relocation of portions of boundary lines located along Berkley Road, Underhill Avenue, and at the intersection of Draper Road and Old Rocky Mount Road, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, August 2, 2004, and Friday, August 6, 2004.

A communication from the City Manager advising that in May 2003, Roanoke County approached the City of Roanoke with a proposed boundary adjustment for Vineyard Park; subsequently the City suggested an adjustment to bring all of the Water Pollution Control Plant into the City; Rockydale Quarries also requested a minor adjustment; the proposed boundary adjustments consist of: moving 53.038 acres of Vineyard Park from the City to the County, moving 9.024 acres owned by Rockydale Quarries from the County to the City, and moving 33.094 acres owned by the Western Virginia Water Authority Water Pollution Control Plant, 5.131 acres owned by A.P.J., LLC., and 0.753 acre owned by James R. Chisolm from the County to the City; and adjustments will consolidate holdings in a single jurisdiction and will not have a significant impact on real estate revenue to the City of Roanoke.

Following the public hearing, the City Manager recommended that the Mayor and the City Clerk be authorized to execute an agreement between the County of Roanoke and the City of Roanoke agreeing to the proposed boundary line changes; that the City Attorney be authorized to file the necessary petition with the Circuit Court seeking an order approving the boundary line changes, and to take any additional action that may be necessary to effect the changes.

Mr. Fitzpatrick offered the following ordinance:

(#36822-081604) AN ORDINANCE authorizing the Mayor to execute an agreement between the County of Roanoke and the City of Roanoke relating to certain boundary line adjustments between those governmental entities; directing that certain other actions relating to such boundary line be taken as provided by law; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 85.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36822-081604. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by the Members of Council, Ordinance No. 36822-081604 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Dowe, Fitzpatrick and Mayor Harris -----5.

NAYS: None-----0.

(Council Members Lea and Cutler were absent.)

REFUSE COLLECTION: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 16, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber, on the City's proposed Solid Waste Management Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 6, 2004; and in *The Roanoke Tribune* on Thursday, August 5, 2004

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing. There being none, he declared the public hearing closed.

The City Manager advised that at the Council's work session on August 2, 2004, Council was provided with a staff briefing on the City's proposed Solid Waste Management Plan; whereupon, she commended the document to Council.

The City Attorney advised that no specific action is required by the Council.

No comments or questions were raised by the Members of Council.

SPECIAL PERMITS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, August 16, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request for encroachment of an awning at a height of ten feet above the sidewalk and extending 42 inches into the public right-of-way at 16 Campbell Avenue, S. W., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 6, 2004.

A communication from the City Manager advising that ACS Design, on behalf of Sutton Construction Co. of Roanoke, Inc., owner of property located at 16 Campbell Avenue, S. W., has requested permission to install an awning on the building at 16 Campbell Avenue, which would encroach into the public right-of-way; the proposed awning would encroach approximately 42 inches into the right-of-way of Campbell Avenue, with ten feet of clearance above the sidewalk; the right-of-way of Campbell Avenue at this location is approximately 60 feet in width; and liability insurance and indemnification of the City of Roanoke by the property owner shall be provided.

Following the public hearing, the City Manager recommended that Council adopt an ordinance, to be executed by the property owner, which will be binding on the property owner and his heirs and assigns, with a copy of the executed ordinance to be recorded in the Clerk's Office of the Circuit Court for the City of Roanoke, granting a revocable license to allow installation of an awning at 16 Campbell Avenue, S. W., encroaching into the right-of-way of Campbell Avenue.

Mr. Fitzpatrick offered the following ordinance:

(#36823-081604) AN ORDINANCE granting a revocable license to permit the encroachment of an overhead awning at a height above the sidewalk of ten (10) feet, with the overhead awning extending forty-two (42) inches, in the public right-of-way of 16 Campbell Avenue, S. W., from property bearing Official Tax No. 1011707, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 69, Page 86.)

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 36823-081604 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Dowe, Fitzpatrick and Mayor Harris -----5.

NAYS: None-----0.

(Council Members Lea and Cutler were absent.)

HEARING OF CITIZEN UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

POLICE DEPARTMENT-SCHOOLS: Mr. Bill McClure, 542 Walnut Avenue, S. W., complained about the lack of citizen input into the City's proposed geographic policing policy. He stated that the proposed reorganization plan contains certain positive features that could make the Police Department more effective, but the manner in which the plan was presented has caused concern for many of Roanoke's taxpayers.

COMMITTEES-ARMORY/STADIUM: Mr. Chris Craft, 1501 East Gate Avenue, N. E., expressed concern that no member of the Stadium Study Committee is under the age of 40; therefore, he requested that Council appoint one person to the committee who is 35 years of age or younger.

POLICE DEPARTMENT-SCHOOLS: Mr. E. Duane Howard, 508 Walnut Avenue, S. W., addressed Council in regard to an alleged incident that occurred in his neighborhood when his vehicle was vandalized by a bullet on the driver's side. When discussing the matter with the Chief of Police, he stated that he was told that the incident could have occurred during his travels throughout the Roanoke Valley, as opposed to having occurred in his neighborhood over night.

He expressed concern in regard to the response by the Chief of Police because it would be difficult for any person to park their vehicle in front of their residence and not notice that it was bullet damaged. He stated that he lives in a neighborhood where there have been murders, fires, prostitution, homelessness, burglaries, assaults, arsons, rapes, slum landlords, no building code enforcement, vehicles and houses vandalized, yet Old Southwest has a neighborhood association that is more concerned about the kind of siding that a property owner can install on their house than all of the above listed problems. He expressed a general lack of confidence in the Chief of Police.

Mr. Howard also expressed concern in regard to the School Resource Officer program and advised that he reiterates the remarks of Ms. Alice Hincker.

POLICE DEPARTMENT-CITY EMPLOYEES-SCHOOLS: Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that the heart of any city is its employees who are responsible for the day to day operation. She expressed concern with regard to retaliation against Roanoke City employees who speak out and requested that the City Manager be held accountable and that City Council support City employees.

POLICE DEPARTMENT-SCHOOLS: Ms. Alice P. Hincker, 4024 South Lake Drive, S. W., requested that the School Resource Officer program retain its special unit status with Sergeant Manuel Bocanegra as Supervisor and coordinator of the program.

POLICE DEPARTMENT-SCHOOLS: Mr. Paul Holt, III, 1305 Burks Street, N. W., advised that he is familiar with 66 local jurisdictions, he has seen community policing at its best and at its worst, and the City of Roanoke currently has a good Police Department that is divided into different precincts. He stated that in other localities, School Resource Officers engage in specialized training which does not occur in the City of Roanoke because the City does not accept funds from the Federal and/or State governments for DARE officers or School Resource Officers. He expressed concern with regard to the effectiveness of the proposed geographic policing policy, and advised that the City Manager and the Chief of Police should be held accountable to Council for their actions and the Council Members should be held accountable to the citizens of Roanoke for their actions.

COMPLAINTS-DRUGS/SUBSTANCE ABUSE: Ms. Theresa Gill-Walker, 2807 Ordway Drive, N. W., spoke with regard to the proposed methadone clinic to be located on Hershberger Road, N. W. She advised that she has seen, first hand, the negativity that a methadone clinic which is improperly operated can have on a community in a short period of time. She called attention to a safety issue regarding children who attend schools in the area, devaluation of property, a decrease in the school population because parents will choose to send their children to school at other school sites and/or in other Roanoke Valley localities, and loss of income to businesses in the area because customers will shop elsewhere for fear of being harassed, accosted, etc.

COMPLAINTS-HOUSING/AUTHORITY: Mr. Robert Gravely, 729 Loudon Avenue, N. W., advised that there appears to be a lack of concern for Roanoke's citizens inasmuch as the City has no agenda for its people, for the City's work force and for the education of its children. He expressed concern with regard to the overall deterioration of the inner city and lack of affordable housing.

There being no further business, at 9:05 p.m., the Mayor declared the meeting adjourned.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor
